

NO. 5:14-CT-3269-F

Defendants.

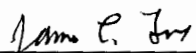
521 F.3d 298, 304 n.5 (4th Cir. 2008) (quoting Bell Atlantic Com. v. Twombly, 550 U.S. 544, 555 (2007)); see Ashcroft v. Iqbal, 556 U.S. 662, 677-80 (2009); Nemet Chevrolet Ltd. v. Consumeraffairs.com, Inc., 591 F.3d 250, 255-56 (4th Cir. 2009); Francis v. Giacomelli, 588 F.3d 186, 193 (4th Cir. 2009).

Plaintiff contends that Defendants have “refused to timely process [his] application for executive clemency.” Compl. [DE-1], p. 3. His allegations fail to state a viable claim. Ohio Adult Parole Auth. v. Woodward, 523 U.S. 272 (1998) (holding that clemency decisions are generally not entitled to judicial review and that the clemency procedures at issue did not violate the Due Process Clause); Conn. Bd. of Pardons v. Dumschat, 452 U.S. 458, 465 (1981) (holding that there is no constitutionally protected interest in clemency); see also Taylor v. Hennig, No. 5:12CV00010, 2012 WL 1533169, at \*2 (W. D. Va. Apr. 19, 2012) (“Clemency is an executive remedy exclusively that . . . is not subject to judicial review by a federal court.”); Brunson v. City of Sumter, No. CA 3:11-2662-JFA-PJG, 2011 WL 6122624, at \*3 n.1 (D.S.C. Oct. 24, 2011) (“This court cannot grant Plaintiff a pardon or clemency for state or federal crimes.”).

### Conclusion

For the aforementioned reasons, Plaintiff’s complaint is DISMISSED as frivolous and his pending motions [DE-6, 12] are DENIED AS MOOT. The Clerk of Court is directed to close this case.

SO ORDERED. This the 2<sup>3</sup> day of April, 2015.

  
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JAMES C. FOX  
Senior United States District Judge